

Notice of Allowability

Application No.

09/986,989

Examiner

Diana B. Johannsen

Applicant(s)

BROWN ET AL.

Art Unit

1634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the After Final Amendment filed 12/8/03 and the Interview of 12/23/03.
2. ☒ The allowed claim(s) is/are 2.
3. ☒ The drawings filed on 13 November 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>1203</u> . |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. This action is in response to the After Final Amendment filed December 8, 2003 and to the telephonic interview concluding December 23, 2003. Claim 1 was canceled by the Amendment of December 8, 2003; accordingly, the prior rejections of claim 1 are now moot. Claim 2, as amended by the below examiner's amendment, is now allowed.

2. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment that places this application in condition for allowance. During a telephone conversation conducted on December 23, 2003, Amy Schoenhard requested an extension of time for one additional month and authorized the Director to charge Deposit Account No. 01-2300, referencing attorney docket no. 108172-00072, the required fee of \$155 for this extension and authorized the following examiner's amendment. (It is noted that Applicant previously paid \$55 for a one month extension of time for the period of November 9, 2003-December 8, 2003; this extension covers a second month [December 9, 2003-January 8, 2004], for which the fee is \$210 minus the previous payment of \$55, or \$155). Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. In accordance with 37 C.F.R. 1.126, allowed claim 2 will be renumbered as claim 1 (see MPEP 608.01(j)). However, the original claim numbering is employed in the below examiner's amendment.

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4. The application has been amended as follows:

In claim 2, line 10, after "sodium excretion levels" insert--, wherein said engaging results in an increase in sodium excretion levels in the hypertensive human subject--.

Substance of Interview Concluding December 23, 2003

5. On December 22, 2003, the examiner contacted Applicant's representative and proposed a further amendment to claim 2 that would clarify the fact that the practice of the claimed method results in an increase in sodium excretion levels in the subject (as stated in the claim preamble). After further discussions on December 22 and December 23, 2003, agreement was reached regarding allowable claim language on December 23, 2003. The examiner also noted that Applicant should disregard the Form PTO-948 that was previously mailed to Applicant, as the drawings filed November 13, 2001 have been accepted by the examiner. The examiner noted that acceptance of the drawings would be indicated in the Notice of Allowability.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diana B. Johannsen whose telephone number is 703/305-0761 through January 13, 2004, and 571/272-0744 beginning January 14, 2004. The examiner can normally be reached on Monday-Friday, 7:30 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Gary Jones can be reached at 703/308-1152 through January 13, 2004, and 571/272-0745 beginning January 14, 2004. The fax phone number for the organization where this application or proceeding is assigned is 703/872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703/308-1234.

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A handwritten signature in black ink, appearing to read "Diana B. Johannsen". The signature is fluid and stylized, with a long horizontal stroke extending to the right.

Diana B. Johannsen
Patent Examiner
December 23, 2003